

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that: my residence, post office address and country of citizenship are as stated below, next to my name; I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PYROMECHANICAL FASTENING ELEMENT ✓

the specification of which

_____ is attached hereto.

X was filed on April 4, 2005 as ✓

United States Application Number 10/530,200 ✓

or PCT International Application Number PCT/EP2003/010828 ✓

and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

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| <u>Prior Foreign Application(s)</u> | | <u>Priority Claimed</u> | |
|-------------------------------------|-----------------------------|---|--------------------|
| <u>102 46 028.0</u> ✓ (Number) | <u>Germany</u> (Country) | <u>2/October/2002</u> ✓ (Day/Month/Year Filed) | <u>X</u> Yes No |
| <u>103 38 394.8</u> ✓ (Number) | <u>Germany</u> (Country) | <u>21/August/2003</u> ✓ (Day/Month/Year Filed) | <u>X</u> Yes No |

I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

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10/530200

I hereby appoint the practitioners associated with Customer number 020457 with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send all correspondence to:

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Arlington, VA, 22209

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TEL: (703) 312-6600
FAX: (703) 312-6666

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1-00 Full Name of Sole/First Inventor Uwe Brede

Inventor's Signature

Uwe Brede

Date

October 10, 2005

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Inventor's Signature

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Full Name of Third/Joint Inventor Henning Jacob

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Rec'd PCT/PTO 07 DEC 2005

10/530200

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Full Name of Sixth/Joint Inventor _____

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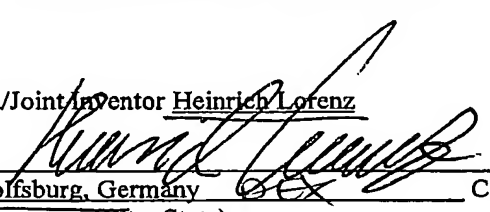
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Full Name of Sole/First Inventor Uwe Brede

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300

Full Name of Third/Joint Inventor Henning Jacob
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Title 37, Code of Federal Regulations, Section 1.56
Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by 991.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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